

IN THE UTAH COURT OF APPEALS

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| State of Utah, in the interest | ) | MEMORANDUM DECISION            |
| of M.C., L.C., and K.E.,       | ) | (Not For Official Publication) |
| persons under eighteen years   | ) |                                |
| of age.                        | ) | Case No. 20050779-CA           |
| _____                          | ) |                                |
|                                | ) |                                |
| S.C.,                          | ) | F I L E D                      |
|                                | ) | (December 22, 2005)            |
| Appellant,                     | ) |                                |
|                                | ) | 2005 UT App 551                |
| v.                             | ) |                                |
|                                | ) |                                |
| State of Utah,                 | ) |                                |
|                                | ) |                                |
| Appellee.                      | ) |                                |

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Second District Juvenile, Ogden Department, 425912  
The Honorable L. Kent Bachman

Attorneys: Randall W. Richards, Ogden, for Appellant  
Mark L. Shurtleff and Carol L.C. Verdoia, Salt Lake  
City, for Appellee  
Martha Pierce and Paul Remy, Salt Lake City,  
Guardians Ad Litem

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Before Judges Billings, Bench, and Greenwood.

PER CURIAM:

S.C. appeals the termination of her parental rights in M.C.,  
L.C., and K.E. We affirm.

"Utah law requires a court to make two distinct findings  
before terminating a parent-child relationship. First, the court  
must find that the parent is below some minimum threshold of  
fitness." In re R.A.J., 1999 UT App 329, ¶7, 991 P.2d 1118  
(quotations and citations omitted); see also In re M.L., 965 P.2d  
551, 561 n.13 (Utah Ct. App. 1998) ("We note that Utah law  
requires the finding of a ground for termination of a parent's  
rights before the court can consider the child's best  
interests."). If there are sufficient grounds to terminate  
parental rights, "the court must [then] find that the best  
interests and welfare of the child are served by terminating the

parents' parental rights." In re R.A.J., 1999 UT App 329 at ¶7; see Utah Code Ann. § 78-3a-406(3) (Supp. 2005) ("If a parent is found . . . to be unfit or incompetent . . . the court shall then consider the welfare and best interest of the child of paramount importance in determining whether termination of parental rights shall be ordered.").

S.C. appears to assert that there was insufficient evidence to support the juvenile court's determination that she was unfit as a parent. However, the juvenile court found multiple grounds for termination under Utah Code section 78-3a-407, including that S.C. was unfit or incompetent as a parent, failure to remedy the circumstances leading to the children's out-of-home placement, failure of parental adjustment, and token efforts. See Utah Code Ann. § 78-3a-407(1)(c)-(f) (Supp. 2005). Pursuant to section 78-3a-407, the finding of any single ground is sufficient to warrant termination of parental rights. See id. § 78-3a-407(1) (providing the court may terminate all parental rights if it finds any one of grounds listed); In re F.C. III, 2003 UT App 397, ¶6, 81 P.3d 790 (noting any single ground sufficient to terminate parental rights). S.C. does not challenge these other grounds for termination.

S.C. also asserts that the juvenile court abused its discretion when it found that termination was in the best interests of the children. Because of the fact-intensive nature of parental termination cases, this court "will reverse the decision of the [juvenile] judge on matters of fact only when 'the evidence clearly preponderates against the findings . . . or [when] the court has abused its discretion.'" In re R.A.J., 1999 UT App 329 at ¶13 (second alteration in original) (citation omitted). Further, "we grant the juvenile court a measure of discretion when applying the law to a specific fact scenario." In re L.M., 2001 UT App 314, ¶12, 37 P.3d 1188.

After setting forth detailed findings regarding the interrelationships between S.C., the children, and the foster parents, the juvenile court determined that it was in the best interests of the children to terminate S.C.'s parental rights. Specifically, the juvenile court found that the children require a sense of permanency and stability that S.C. "is either unable or unwilling to provide." The juvenile court found that the children have discovered this sense of permanency with their current foster parents--that the foster parents were able to provide a "stable and loving home," in which the "foster family is able to and willing to permanently treat the children as members of their family." These findings are supported by the

evidence presented at trial. We thus conclude there was no abuse of discretion in terminating S.C.'s parental rights.

Accordingly, we affirm.

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Judith M. Billings,  
Presiding Judge

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Russell W. Bench,  
Associate Presiding Judge

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Pamela T. Greenwood, Judge